

## Exception List for PERS

If the position is eligible but the employee in the position meets one of the following exceptions, that employee is ineligible for PERS membership. Please review the following list of exceptions:

- Employee of legislative agency unless membership authorized by committee  
RCW 41.40.023(2)
- Elected official or appointed by the governor, and did not opt to participate  
RCW 41.40.023(3)(a) & (b)
- Elected official or appointed by the governor who is a member of TRS, and opts to maintain membership in TRS  
RCW 41.32.010(43)(b)(iii)
- Retiree or eligible to retire in another DRS-administered plan or a plan operated by a political subdivision  
RCW 41.40.023(4)
- Patient and inmate help in state charitable, penal and correctional institution  
RCW 41.40.023(5)
- "Member" of a state veterans' home or soldiers' home  
RCW 41.40.023(6)
- Person employed by a Higher Education institution primarily as an incident to and in furtherance of their education or the education of a spouse  
RCW 41.40.023(7)
- Employee of a Higher Education institution during the period required to establish membership in the institution's plan  
RCW 41.40.023(8)
- Person rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession  
RCW 41.40.023(9)
- Person appointed after April 1, 1963, by the liquor control board as contract liquor store manager  
RCW 41.40.023(10)
- Retirement system retiree, otherwise eligible, who does not opt in  
RCW 41.40.023(12)
- First class city with own retirement system ~ member employed, appointed or elected does not opt in  
RCW 41.40.023(13)
- Employee who is not a citizen of the US, does not reside in the US, and perform duties outside the US  
RCW 41.40.023(14)

- Employee who is not a citizen of the US, is not covered by federal social security, is not excluded from membership, who is a Washington resident and opts to be excluded  
RCW 41.40.023(15)
- Citizen of the US who is working, residing and performing duties outside the US who does not opt in  
RCW 41.40.023(16)
- City manager or chief administrative officer of a city or town, PUD, port or county who does not opt in  
RCW 41.40.023(17), RCW 41.40.023 (18), and WAC 415.108.730
- Person enrolled in a state-approved apprentice program, who is employed by a local government, and is a member of a union-sponsored retirement plan or if the employee is a member of a Taft-Hartley retirement plan  
RCW 41.40.023(19)
- Person employed in resident apprentice training program operated by a housing authority who is a member of a union-sponsored retirement plan or if the employee is a member of Taft-Hartley retirement plan  
RCW 41.40.023(20) effective 7/22/01
- Member with a terminal illness shall be removed from membership upon approval of application  
RCW 41.40.023(21)
- Member of TRS Plan 1 who is employed by a state agency or educational employer and elects to maintain membership in TRS.  
WAC 415-112-130
- Member of TRS
- Common law employee (independent contractor)  
WAC 415.02.110
- Temporary employee prior to 6/6/90 who worked more than six months
- Prior PERS member in an eligible position who meets the Higher Education Retirement Plan (HERP) eligibility criteria and opts into the HERP immediately
- Port employees who opt into a covered union pension plan  
RCW 53.08.170

If you believe any of these exceptions apply to one of your employees, contact Employer Support Services before making an eligibility determination.